

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	FINAL DECISION AND ORDER
JEFFREY R. FUNNELL AND	:	LS0602234REB
JCF PROPERTY MANAGEMENT, LLC,	:	
RESPONDENTS.	:	

Division of Enforcement Case # 04 REB 211

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Jeffrey R. Funnell
2866 Northwind Passage
Sun Prairie, WI 53592

JCF Property Management, Inc.
P.O. Box 762
Sun Prairie, WI 53590

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Real Estate Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Real Estate Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. The first Respondent is Jeffrey R. Funnell, whose most recent address on file with the Department of Regulation and Licensing is 1228 Sawyer Way, Sun Prairie, WI 53590. At all times relevant to these facts, Mr. Funnell held real estate broker’s license number 90-46474 issued by the Wisconsin Department of Regulation and Licensing.
2. The second Respondent is JCF Property Management LLC, whose most recent address on file with the Department of Regulation and Licensing is P.O. Box 762, Sun Prairie, WI 53590. At all times relevant to these facts, JCF

Property Management LLC held real estate business entity license number 91-700534 issued by the Wisconsin Department of Regulation and Licensing. Mr Funnell was and is the owner of JCF Property Management LLC.

3. Mr. Funnell worked as property manager for the Sprague Company from 12-2-97 to 10-31-01.

4. While working as property manager for the Sprague Company, Mr. Funnell diverted money received for the Sprague Company and deposited it into his own accounts, including an account for JCF Properties, LLC and an account for Sentry Parking Patrol, LLC.

5. When confronted by law enforcement about discrepancies in the Sprague Company finances, Mr. Funnell admitted stealing money, offering an explanation that he had a lot of anger and resentment when he worked for the owners of the Sprague Company, who were his in-laws.

6. Mr. Funnell was convicted on 7-22-04 in Dane County Circuit Court Case No. 2004-CF-419 of two felony counts of Theft - Business Setting greater than \$2500. Two other counts were dismissed and read in for sentencing. Mr. Funnell was sentenced to six months in jail and six years of probation, and ordered to pay restitution and other costs totaling approximately \$250,000, all of which was paid by Mr. Funnell prior to sentencing.

7. Mr. Funnell has offered voluntarily to surrender his real estate broker's license and the business entity license issued to JCF Property Management LLC, of which he is the owner.

CONCLUSIONS OF LAW

A. The Wisconsin Real Estate Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §452.14, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

B. Jeffrey R. Funnell's theft of funds entrusted to him as property manager for the Sprague Company is a violation of Wisconsin Administrative Code § RL 24.17 (1), and his conviction for two felony counts of Theft - Business Setting greater than \$2500 is a violation of Wisconsin Administrative Code § RL 24.17 (2).

C. JCF Property Management LLC received some of the funds stolen by its owner, Jeffrey R. Funnell, and JCF Property Management LLC violated Wisconsin Administrative Code § RL 24.17 (1).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

I. The VOLUNTARY SURRENDER of the real estate broker's license issued to Jeffrey R. Funnell is hereby ACCEPTED, effective on the date of this order.

II. The VOLUNTARY SURRENDER of the business entity license issued to JCF Property Management LLC is hereby ACCEPTED, effective on the date of this order.

III. Mr. Funnell shall, within 60 days from the date of this order, pay costs of \$935.69. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935, Madison, WI 53708-8935
Telephone (608) 267-3817, Fax (608) 266-2264

FOR THE REAL ESTATE BOARD

By: Peter Sveum
A Member of the Board

2/23/06
Date

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS	:	
AGAINST	:	STIPULATION
JEFFREY R. FUNNELL AND	:	
JCF PROPERTY MANAGEMENT, LLC,	:	LS#
RESPONDENTS.	:	

Division of Enforcement Case # 04 REB 211

It is hereby stipulated between Jeffrey R. Funnell as an individual licensee and as owner of JCF Property Management, LLC, and his attorney, Robert J. Lightfoot II; and John Nicholas Schweitzer, attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of the Respondents’ licensure by the Division of Enforcement (case # 04 REB 211). The Respondents consent to the resolution of this investigation by stipulation and without the issuance of a formal complaint.
2. The Respondents understand that by signing this Stipulation they voluntarily and knowingly waives their rights, including: the right to a hearing on the allegations against them, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
3. The Respondents have obtained advice of legal counsel prior to signing this stipulation.
4. The Respondents agree to the adoption of the attached Final Decision and Order by the Real Estate Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. The Respondents waive all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.
6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Real Estate Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondents or their attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board’s deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.
7. The Respondents are informed that should the Board adopt this Stipulation, the Board’s final decision and order is a public record and will be published in accordance with standard Department procedure.
8. The Division of Enforcement joins the Respondents in recommending the Board adopt this Stipulation and issue the

attached Final Decision and Order.

Jeffrey R. Funnell,
as Real Estate Licensee # 90-46474;
and as Owner of JCF Property Management, Inc.,
Real Estate Business Entity Licensee #910700534

Date

Robert J. Lightfoot II
Murphy Desmond
P.O. Box 2038
Madison, WI 53701-2038
Attorney for Mr. Funnell

Date

John Nicholas Schweitzer
Attorney for the Division of Enforcement
Wisconsin Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935

Date